



09/658186

IFW

PATENT
Attorney Docket No. 05793.3041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:)
)
Steven METSKER et al.)
)
Patent No.: 7,650,304)
)
Issued: January 19, 2010)
)
For: SOLICITATION TO WEB) Confirmation No.: 3333
MARKETING LOOP PROCESS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**SUBMISSION OF REQUEST FOR RECALCULATION OF
PATENT TERM ADJUSTMENT IN VIEW OF WYETH**

In view of the decision in Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010), the undersigned believes the above-identified patent is entitled to additional patent term adjustment. The attached PTO/SB/131 is submitted in accordance with the procedures outlined in the "Interim Procedure for Patentees to Request a Recalculation of the Patent Term Adjustment to Comply with the Federal Circuit Decision in Wyeth v. Kappos Regarding the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)," posted on the PTO's website on January 28, 2010.

This paper meets the PTO's requirements because patentee's sole basis for requesting reconsideration of the patent term adjustment is the PTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A), and this patent was issued before March 2, 2010, but no more than 180 days prior to the filing of this paper.

In accordance with the PTO's interim procedure, no fee is required with this request. If however, the PTO determines that a fee is required, such fee should be charged to our Deposit Account 06-0916.

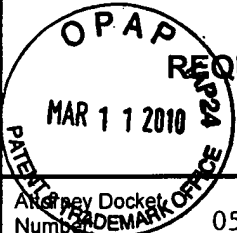
Respectfully submitted,

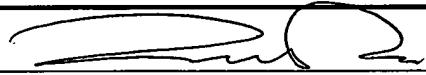
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 11, 2010

By: _____

Joseph E. Palys
Reg. No. 46,508
(571) 203-2713

	
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*	
Attorney Docket Number: 05793-3041	Patent Number: 7,650,304
Filing Date (or 371(b) or (f) Date): September 8, 2000	Issue Date: January 19, 2010
First Named Inventor: Steven METSKER et al.	
Title: SOLICITATION TO WEB MARKETING LOOP PROCESS	
<p>PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).</p> <p>Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.</p> <p>Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.</p> <p>*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).</p>	

Signature 	Date March 11, 2010
Name (Print/Typed) Joseph E. Palys	Registration Number 46,508
<p>Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input type="checkbox"/> *Total of _____ forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.